Pursell et al. - Appln. No. 09/895,876 This paper filed June 29, 2004

TERMINAL DISCLAIMER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2028870336

In re Patent Application of PURSELL, et al.

Confirmation No. 5376 Atty. Docket No. 46104

Appin. No.: 09/895,876

Group/Art Unit: 1616

Filed: July 2, 2001

Examiner: Clardy, S.

Title: CONTROLLED RELEASE AGRICULTURAL PRODUCTS AND

CENTRAL FAX CENTER

P.22/29

PROCESSES FOR MAKING SAME

JUN 2 9 2004

June 29, 2004

TERMINAL DISCLAIMER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The owner, NFT Industries, LCC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/460,650, filed on June 13, 2003, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the

Date: June 29, 2004

PURSELL et al. - Appln. No. 09/895,876

second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

 For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 oft eh United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- 2. [X] The undersigned is an attorney or agent of record.
 - [X] Terminal Disclaimer fee under 37 CFR 1.20(d) is included (PTO.

Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Bv:

Paul E. White, Jr. Reg. No. 32, 011

Phone: 202-261-1050 Fax: 202-887-0336

Customer No. 20736 Manelli Denison & Selter 2000 M Street, N.W. Seventh Floor Washington, D.C. 20036 (202) 261-1000